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California Regional Water Quality Control Board Central Valley Region

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**Arnold
Schwarzenegger**
Governor

TO: Charlie Hoppin, Chair
State Water Resources Control
Board

FROM: Pamela C. Creedon
Executive Officer

DATE: 4 November 2009

SIGNATURE: Original signed by Pamela Creedon

REPORT FOR MEMORANDUM OF UNDERSTANDING (MOU) PILOT PROGRAM

The Memorandum of Understanding (MOU) between the California Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board), the State Water Resources Control Board, the California Department of Pesticide Regulation (DPR), and the Agricultural Commissioners of Glenn County and Butte County requires the staff liaisons from the Central Valley Water Board and the Agricultural Commissioners submit Quarterly Reports of the activities performed under the MOU Pilot Program.

The 2009 Third Quarter Reports from the three staff liaisons are attached for work performed from July to September 2009. A Work Plan for the MOU Pilot Program for fiscal year 2009-2010 is provided in Attachment D.

The Agricultural Commissioners and their staff continue to support the Irrigated Lands Regulatory Program (ILRP) by working with subwatershed groups and the Sacramento Valley Water Quality Coalition to protect water quality. Proposed work will increase the Agricultural Commissioners presence in the field to identify and document non-dischargers and those parcels that do not need to participate in the ILRP.

If you have questions regarding this Report, please contact me at (916) 464-4638, or Joe Karkoski at (916) 464-4668.

cc with Attachments A-D:

: Ms. Dorothy Rice, Executive Director, State Water Resources Control Board
Mr. Tom Howard, Chief Deputy Director, State Water Resources Control Board
Ms. Mary-Ann Warmerdam, Director, Department of Pesticide Regulation
Mr. John Sanders, Chief, Department of Pesticide Regulation
Mr. Mark Black, Agricultural Commissioner, Glenn County
Mr. Richard Price, Agricultural Commissioner, Butte County
Mr. Johnny Gonzales, Program Manager, State Water Resources Control Board

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California Environmental Protection Agency



ATTACHMENT A
MOU PILOT PROGRAM QUARTERLY REPORT
CENTRAL VALLEY REGIONAL WATER BOARD
JULY - SEPTEMBER 2009

This document summarizes the activities performed by the Butte and Glenn County Agricultural Commissioners under the Memorandum of Understanding (MOU) Pilot Program from July to September 2009. The MOU Pilot Program was initiated in December 2005 to support the Irrigated Lands Regulatory Program (ILRP). Under the MOU signed in 2007, the MOU Pilot Program is funded for two years and will end 30 June 2010. This Pilot Program is now a part of the efforts by the Sacramento Valley Water Quality Coalition (Coalition) and subwatershed groups to comply with the ILRP.

Background

The Memorandum of Understanding that established the Pilot Program was signed on 29 June 2005 by the California Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board), the State Water Resources Control Board (State Water Board), the California Department of Pesticide Regulation (DPR), and the Agricultural Commissioners of Glenn County and Butte County. The MOU specifies the Central Valley Water Board contract directly with the Butte and Glenn County Agricultural Commissioners to support activities related to the ILRP. The MOU was renewed on 29 June 2007 with minor revisions to be effective for four additional years. In 2011, the MOU will be reviewed by all parties to assess its effectiveness in addressing water quality impacts as described in the ILRP. Upon completion of the review, the MOU may be renewed, revised, or terminated.

Attachments B and C are reports from the Butte and Glenn County Agricultural Commissioners summarizing their activities in support of the ILRP for the third quarter of 2009. Attachment D is a Work Plan for FY 09-10 for the MOU Pilot Program. This Work Plan includes agreed upon performance goals and measures for the program tasks listed. The Work Plan continues the outreach tasks listed in the contracts and also involves inter-county and inter-agency coordination and collaboration.

Program Support from Agricultural Commissioners and Their Staff

In third quarter of 2009, the Agricultural Commissioners' staffs have continued to provide support to the subwatershed groups and Coalition in outreach, documentation of management practices, and implementation of management plans. Their efforts have expanded across county lines with the management practices surveys for Logan Creek, a cooperative effort between Glenn and Colusa County Agricultural Commissioners. The survey report on the management practices is scheduled to be completed in the next quarter.

The Butte County Agricultural Commissioner has consolidated the report for Pine Creek and will be working with Glenn County staff to convert the survey information to ArcGIS format. This task is part of the Work Plan and will provide information on the time and resources that will be required to convert an Excel spreadsheet to ArcGIS and any additional information that should be gathered.

Richard Price and Mark Black, the Butte County and Glenn County Agricultural Commissioners, respectively, have updated agricultural commissioners about the MOU Pilot Program and the ILRP at regional and state meetings. Richard Price is a participant of the Long-Term ILRP Workgroup and has been the main point of communications with other agricultural commissioners.

Central Valley Water Board Work under the MOU

Central Valley Water Board staff has been working with the Agricultural Commissioners on the Long-Term Program for the ILRP. Discussions have included face-to-face meetings, phone calls, and conference calls.

The Central Valley Water Board liaison submitted documents to amend and extend the contracts until June 2010 for the Butte and Glenn Agricultural Commissioners. The Butte contract has been executed. The Glenn contract is awaiting Department of General Services (DGS) approval and execution.

The Central Valley Water Board liaison was requested to provide a work plan for the extended contract. That work plan is Attachment D of this document.

Program Status and Proposed Future Work

Work for the next year will continue to focus on supporting the ILRP and providing support for the subwatershed groups and Coalition.

The role of the Agricultural Commissioners' staff will become more compliance-oriented as outlined in the work plan. Agricultural Commissioners' staff will inspect parcels where growers claim an exemption from the ILRP conditional waiver based on no discharge to surface water. The ILRP presently does a limited number of these inspections due to staff limitations. In addition, to improve efficiency and lower mailing costs, the Agricultural Commissioners' staff will review non-participant mailing lists for postcards and technical reports (13267 letters) to determine if names can be eliminated.

The Glenn and Butte County Agricultural Commissioners will also be called upon to help define and evaluate potential roles of Agricultural Commissioners in the Long-Term Program for the ILRP. The county agricultural commissioners may play an important role in the Long-Term ILRP. The MOU Pilot Program will allow the agricultural commissioners to determine how the goals of the Long-Term ILRP could be met by their present responsibilities and the areas that will need to be better defined and funded.

ATTACHMENT B
MOU PILOT PROGRAM QUARTERLY REPORT
BUTTE COUNTY DEPARTMENT OF AGRICULTURE
JUNE - SEPTEMBER 2009

As required by contract # 07-079-150-2, the Butte County Department of Agriculture (Butte County) is to provide the Central Valley Regional Water Quality Control Board (Regional Water Board) with a quarterly report of activities as it relates to the scope of work for the Irrigated Lands Regulatory Program (ILRP) contract.

Summary of Activities:

In addition to pursuing the itemized deliverables in the "Scope of Work" of the new contract, activities this quarter have focused on improving the communication and interaction between the Butte County Ag Department and the Butte-Yuba-Sutter Watershed (BYS). A number of meetings have been held between the two organizations that will facilitate future cooperation under the Long-Term ILRP MOU. More meetings are scheduled.

Further, information concerning the establishment of new agricultural management practices (MP) in the BYS watershed has come to light as a result of these meetings.

There are also a number of components of the pilot program that are now being aligned with other existing watershed procedures and data into a type of response strategy for use in the BYS to address the Pine Creek Management Plan and any other future discharger or exceedance issues, these components include:

- The Butte County Ag Dept management practices field survey procedures, data and Best Management Practices (BMP) list, developed under MOU activities.
- The Glenn County Ag Dept GIS Mapping procedure also developed under MOU activities.
- Sutter Resource Conservation District management practices effectiveness study data developed under their TMDL grant.
- Multiple MP paper survey formats from a number of different sources are being reviewed for consolidation into a useable, brief site inspection/ check-list form.
- Non-discharger certification procedure from the Regional Water Board staff.

Honcut Creek Watershed MP Survey:

The Butte County side of the Honcut Creek watershed survey continues. Access to the creek itself is quite a bit more limited compared to the Pine Creek survey. There are very few levee roads along this water course. Properties are more generally gated and locked. Many of the intervening properties are not under pesticide permit and therefore not open for Ag Department personnel, except by permission. Twenty-eight individual parcels have been surveyed to date and the data are being organized.

Management Practices Farm Site Inspections:

One farm MP / Pesticide application inspection for the ILRP contract was performed in August at Keyawa Orchards.

Recommendations:

None at this time.

Robert C. Hill
Deputy Agricultural Commissioner

ATTACHMENT C

MOU PILOT PROGRAM QUARTERLY REPORT GLENN COUNTY DEPARTMENT OF AGRICULTURE JUNE - SEPTEMBER 2009

The Central Valley Regional Water Quality Control Board (Central Valley Water Board) has adopted a Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands (Resolutions No. R5-2003-015 and R5-2006-0053) herein referred to as the Irrigated Lands Regulatory Program (ILRP). In an effort to integrate resources, a Memorandum of Understanding (MOU) between the California Department of Pesticide Regulation, the Agricultural Commissioners of Butte and Glenn Counties, the Central Valley Regional Water Quality Control Board (Regional Board) and the State Water Resources Control Board was developed. This MOU applies to a pilot program initiated with Glenn and Butte Counties. These two counties, under the jurisdiction of the Central Valley Water Board, initiated activities throughout the Sacramento River Basin in support of the ILRP.

The initial contract 05-182-150-0 was entered into in July 2005 following development of the initial MOU. A renewed contract 07-078-150-0 was entered into in April 2008. The MOU was renewed in June 2007. The current contract is set to terminate 30 June 2010. The contract is the basis for cooperation between the Central Valley Water Board and the Glenn County Agricultural Commissioner (GCAC) to perform tasks requested by the Central Valley Water Board in support of the ILRP.

Task 4 - Outreach

This quarter Glenn County staff has concentrated their efforts with ongoing outreach with the local Colusa-Glenn Subwatershed and also by providing information to their board of directors in July and additional attendance at a joint meeting of the Subwatershed along with the SVWQC staff in September.

Staff has also assisted the Subwatershed by supplying information associated with the required source evaluation in September relating to the Management Plan currently in place in the Walker Creek watershed (See Attached).

A July exceedance for chlorpyrifos in Walker Creek initiated some additional Pesticide Use Report analysis in relation to the time and place of use also in September.

Task 5- Other Work

The majority of the time this quarter performing other work has been in the area of the Long Term Program and the meetings necessary to further implement the program and the development of work to be completed under the term of the contract. The Ag Commissioner or staff attended eight separate meetings with Water Board staff, industry, and other statewide and regional commissioners during the three month period.

Staff also completed and delivered the Logan Creek Watershed Evaluation to the contract manager and also attended meetings sponsored by the Water Board for sampling/analysis and groundwater quality protection strategy program development.

Conclusion/Recommendations

At this time the GCAC continues to look forward to working with the Water Board on the tasks outlined by the contract manager for the term of the contract. As the Long Term Program alternatives develop we are prepared to participate as requested.

Colusa Glenn

Subwatershed Program

P.O. Box 1205, Willows, California 95988 - Phone (530) 934-8036 - Email cgsubwatershed@sbcglobal.net

October 2, 2009

Mr. Lester Messina Glenn County
Department of Agriculture
P.O. Box 351
Willows, CA 95988

RE: Source Evaluation Report for Management Plans

Dear Mr. Messina:

Thank you for your, and Lisa Hunter's, assistance in compiling the Source Evaluation Reports for our Management Plans. As you know, under the Central Valley Regional Water Quality Control Board, Irrigated Lands Regulatory Program we are required to have management plans for the following: Chlorpyrifos in Walker Creek, *Ceriodaphnia* Toxicity in Walker Creek, and Sediment Toxicity – *Hyalella* in Stony Creek due to one or more exceedances within a three year period.

In the reports, information is requested such as total drainage acreage, irrigated agriculture acres, crop acres, best management practices, pesticide application practices, etc. Since the Department of Agriculture is the most familiar with this information, staff assistance is essential and has once again proven to be invaluable for the Colusa Glenn Subwatershed Program and its members.

Again your, and the Department of Agriculture's, technical assistance is greatly appreciated.

If you have questions, please contact me at (530) 934-8036.

Best regards,



Kandi Manhart
Outreach & Education
Coordinator

cc: Board of Directors: Larry Domenighini, John Garner, Denise Carter, Joe Carrancho, Greg Overton
Mark Black, Agricultural Commissioner

ATTACHMENT D
MOU PILOT PROGRAM
WORK PLAN FOR FISCAL YEAR
2009 TO 2010

INTRODUCTION

This document describes the actions and tasks the staff of the Butte County Agricultural Commissioner and the Glenn County Agricultural Commissioner are currently taking or intend to take over the next year, as resources allow, under the MOU Pilot Program to support the Irrigated Lands Regulatory Program (ILRP).

BACKGROUND

The Memorandum of Understanding that established the Pilot Program was signed on 29 June 2005 by the California Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board), the State Water Resources Control Board (State Water Board), the California Department of Pesticide Regulation (DPR), and the Agricultural Commissioners of Glenn County and Butte County. The MOU specifies the Central Valley Water Board contract directly with the Butte and Glenn County Agricultural Commissioners to support activities related to the ILRP. The MOU was renewed on 29 June 2007 with minor revisions to be effective for four additional years. In 2011, the MOU will be reviewed by all parties to assess its effectiveness in addressing water quality impacts as described in the ILRP. Upon completion of the review, the MOU may be renewed, revised, or terminated.

WORK PLAN for FY 2009-2010

The proposed work for the Butte and Glenn County Agricultural Commissioners and staff include the following:

Providing field support for the ILRP by inspecting growers for non-discharge

- A list of growers stating they are non-dischargers and exempt from participation in the ILRP will be provided by the Central Valley Water Board staff.
- The Agricultural Commissioner's staff will inspect property and practices of growers stating they are non-dischargers and document their findings.

Providing technical support for ILRP prior to mailings

- Central Valley Water Board staff will provide a list of land owners scheduled to receive membership postcards and/or 13267 letters.
- The Agricultural Commissioner's staff will provide research and any known information on land use, irrigation use, and/or commercial activities that may remove the land owners from the mailing list.

Providing outreach and information

- The Agricultural Commissioner's staff will work with subwatershed coordinators on development of Management Plans. This may include providing information on crops grown, pesticide use, and/or baseline information (surveys) on management practices.
- The Agricultural Commissioner's staff will work with subwatershed coordinators on implementation of Management Plans. This task may include outreach to growers, establishing baseline information, and inspection of management practices in place or implemented.
- The Agricultural Commissioners and staff will provide information to other county agricultural commissioners and staff regarding the MOU Pilot Program and the ILRP, including the status of the long-term program.

GIS database:

- The Glenn County Agricultural staff will work with Butte County staff to convert the Pine Creek management practice survey information into ArcGIS format.
- The Agricultural Commissioner staff will work with other agencies and groups, including the Central Valley Water Board, to determine if and how diverse databases can be consolidated and integrated. This task will involve possible consolidation of assessor's list with crop information, pesticide use, and coalition group participants' lists.

PERFORMANCE GOALS

The MOU Pilot Program does not give the Agricultural Commissioners any authority to regulate water quality under the ILRP. As such, the performance measures listed below are goals and performance subject to the required regulatory duties of the Agricultural Commissioners and staff. The Agricultural commissioners yearly report should state if performance goals were achieved and the circumstances if they were not. The status of the following performance goals shall be in the yearly report.

The following criteria will be used to measure the performance of the above tasks:

- Work performed by the Agricultural Commissioners and staff for the ILRP will be mentioned and/or listed in subwatershed/coalition group progress reports, management plan updates, and program reports.
- Five pesticide application (or pre-application) inspections will be performed with documentation of management practices observed and be focused in areas under a management plan.
- Monthly review of mailing lists provided by Central Valley Water Board staff to eliminate parcels that do not fall under the ILRP. The percentage of land owners eliminated and/or information corrected will be reported as part of the performance measure.
- Butte County management practices survey information transferred to GIS and presentation of new format in a subwatershed group meeting.
- Combined GIS data base containing Central Valley Water Board ILRP membership data (parcel number, mailing address) and information on the management practices surveys (management practices in place, crop type, irrigation method, etc).

PROGRESS REPORTS

The quarterly reports required under the MOU will contain information on the status of the work plan tasks and progress of the performance goals. The first quarterly report that will contain a progress report for this work plan will be the January 2010 report covering the previous three months. Updates on the work plan will be in the reports due April 2010 (covering January through March) and June 2010 (covering April through most of June).